UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,772	01/28/2002	Michael Wayne Brown	AUS920010521US1	4176

43307　　7590　　01/25/2005			EXAMINER	
IBM CORP (AP)			ZHOU, TING	
C/O AMY PATTILLO				
P. O. BOX 161327		ART UNIT	PAPER NUMBER	
AUSTIN, TX 78716		2173		

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	10/058,772	BROWN ET AL.
Office Action Summary	Examiner	Art Unit	
	Ting Zhou	2173	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 November 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-27</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-27</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>10/18/04</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   The amendment filed on 26 November 2004 have been received and entered. Claims 1-

27 as amended are pending in the application.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2.   Claims 1, 10 and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to reasonably convey to one skilled in the

relevant art that the inventor(s), at the time the application was filed, had possession of the

claimed invention. The limitation "independent of a specific selection of one from among

minimizing said window element and maximizing said window element", on lines 3-5, 5-6 and

5-6 of claims 1, 10 and 19 respectively, is not positively recited in the specification of the present

application. The specification states, on lines 6-10 of page 9, "Activity may include use of the

window element, adjustments to the transparency of the window element representation or

current resource usage associated with the window element. In addition, activity may include

periods of inactivity." However, the cited passage merely states that detecting current activity of

a window element may include activities such as use of the window element, adjustments to the

transparency, etc., and does not positively recite the exclusion of a selection from one of

minimizing and maximizing a window element. Therefore, there is no positively recited basis

for the negative limitation of "independent of a specific selection of one from among minimizing

said window element and maximizing said window element".

3.   Claims 6, 15 and 24 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to reasonably convey to one skilled in the

relevant art that the inventor(s), at the time the application was filed, had possession of the

claimed invention. The limitation "wherein said usage of said system resource is independent of

usage of said system resource associated with a user interacting with said window element", on

lines 5-7, of each of claims 6, 15 and 24, is not positively recited in the specification of the

present application. The specification states, page 19, line 30 – page 20, line 4, "Resource usage

preferences 74 are distinguished according to resource usage. In the examples, windows are

minimized or maximized according to memory usage and sound card usage. In addition, resource

usage may include, but is not limited to graphics card usage, number of CPUs used, total usage

of each CPU, number of threads used, data storage usage and net bandwidth." However, the cited

passage merely states that resource usage may include memory usage, number of CPUs used,

etc., and does not positively recite the exclusion of usage of a system resource associated with a

user interacting with a window element. Therefore, there is no positively recited basis for the

negative limitation of "wherein said usage of said system resource is independent of usage of

said system resource associated with a user interacting with said window element".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-8, 10-17 and 19-26 are rejected under 35 U.S.C. 102(b) as being anticipated by

Gelsinger et al. U.S. Patent 5,892,511.

Referring to claims 1, 10 and 19, Gelsinger et al. teach a method, system and program

comprising a graphical user interface (column 2, lines 49-50), detecting current activity of a

window element within a graphical interface (checking whether a minimized window is being

pointed to) (column 9, lines 57-67), and automatically performing at least one of minimizing the

window element and maximizing the window element to reflect the current activity, such that a

representation of the window element is graphically represented, wherein minimizing the

window element comprises reducing the window element from a graphical window to a

graphical icon representing the graphical window, wherein maximizing the window element

comprises increasing the window element from a minimized graphical icon representing the

window element to a full graphical window (upon detecting that a minimized window icon, or

button on the taskbar is being pointed to, the interface displays the minimized window in

expanded form, or maximizes the window from a minimized icon/button on the taskbar to an

expanded window, to reflect activation of the window) (column 9, line 51 - column 10, line 19).

Referring to claims 2, 11 and 20, Gelsinger et al. teach automatically adjusting a position

of the window element within a z-order of a plurality of windows displayed within the graphical

interface (the window selection agent helps the user to cycle through sets of overlapped

windows, the set being determined by the z-order of windows; furthermore, as a user selects a

minimized window, the window is automatically expanded and displayed, changing its z-order

by making it the currently active window) (column 2, lines 49-67, column 7, lines 8-65 and

column 9, line 51- column 10, line 19).

Referring to claims 3, 12 and 21, Gelsinger et al. teach automatically adjusting a size of

the window element (automatically displaying the minimized window in expanded form upon

detection of the window being pointed to) (column 9, lines 57-60).

Referring to claims 4, 13 and 22, Gelsinger et al. teach detecting current use of a window

element (detecting whether a minimized window is being pointed to) (column 9, lines 65-67).

Referring to claims 5, 14 and 23, Gelsinger et al. teach detecting a transparency of the

representation of the window element (detecting whether multiple translucent windows

correspond to user selection) (column 10, lines 19-51).

Referring to claims 6, 15 and 24, Gelsinger et al. teach detecting a resource usage

associated with the window element, wherein the resource usage associated with the window

element comprises a usage of a system resource by an application associated with the window

element (detecting whether a minimized window, corresponding to a currently executing

application, is using system resources such as the processor, by being pointed to) (column 5,

lines 1-15 and column 9, lines 51-67).

Referring to claims 7, 16 and 25, Gelsinger et al. teach detecting current activity in association with a plurality of windows elements displayed within the graphical interface (detecting user selection of a minimized window in an interface with a plurality of displayed windows) (column 2, lines 50-67 and column 9, lines 51-53), and adjusting alpha levels associated with each of the plurality of window elements to order the plurality of window elements to reflect the current activity (upon detecting user selection of a minimized window, the alpha levels of the windows are adjusted, or the windows are made translucent; for example, the pointed to minimized window is expanded and the remaining windows are made translucent) (column 9, lines 22-25 and 61-64).

Referring to claims 8, 17 and 26, Gelsinger et al. teach adjusting alpha levels of a selection of the plurality of window elements that are minimized representations of a plurality of windows (the minimized window, or the minimized representation of the window, are expanded and the alpha levels changed, i.e. made translucent) (column 10, lines 11-19).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 9, 18 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gelsinger et al. U.S. Patent 5,892,511, as applied to claims 1, 10 and 19 above, and Hall, Jr. et al.

U.S. Patent 6,108,003.

Referring to claims 9, 18 and 27, Gelsinger et al. teach all of the limitations as applied to

claims 1, 10 and 19 above. Specifically, Gelsinger et al. teach performing at least one of

minimizing and maximizing each of the plurality of window elements in response to an event,

wherein minimizing each of the plurality of window elements comprises reducing a graphical

window from among the plurality of window elements to a graphical icon representing the

graphical window, wherein maximizing each of the plurality of window elements comprises

increasing a graphical icon representing a window element from among the plurality of elements

to a graphical window (upon detecting that a minimized window icon, or button on the taskbar is

being pointed to, the interface displays the minimized window in expanded form, or maximizes

the window from a minimized icon/button on the taskbar to an expanded window, to reflect

activation of the window) (Gelsinger et al.: column 9, line 51 - column 10, line 19). However,

Gelsinger et al. fail to explicitly teach minimizing or maximizing the window elements in

response to adjusting the alpha levels of each of the plurality of window elements. Hall Jr. et al.

teach an interface for displaying a plurality of window elements (Hall, Jr. et al.: column 2, lines

49-64 and Figure 2) similar to that of Gelsinger et al. In addition, Hall, Jr. et al. further teach

adjusting the alpha levels of each of the plurality of window elements (changing the color, shade,

or intensity of the displayed window elements on the presentation space) (Hall, Jr. et al.: column

4, lines 19-31). It would have been obvious to one of ordinary skill in the art, having the

teachings of Gelsinger et al. and Hall, Jr. et al. before him at the time the invention was made, to

modify the interface for minimizing or maximizing each of a plurality of window elements in

response to an event of Gelsinger et al. to include adjustment of alpha levels of window

elements, taught by Hall, Jr. et al. in order to obtain an interface that will minimize or maximize

a plurality of window elements in response to an event such as a change in the alpha levels of the

window elements. One would have been motivated to make such a combination in order to

produce a user friendly interface that will easily notify a user in a windowed computer

environment of changes in the status or state of executing applications while minimizing the use

of screen space when conveying information to users.

Response to Arguments

6.   Applicant's arguments with respect to claims 1-27 have been considered but are moot in

view of the new ground(s) of rejection.

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this
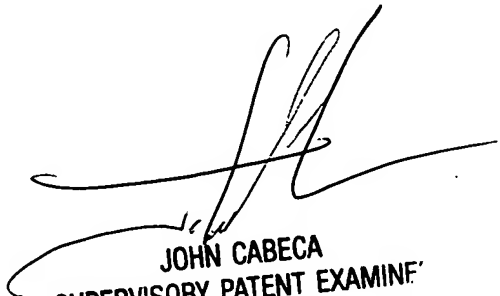
final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The

examiner can normally be reached on Monday - Friday 8:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the

organization where this application or proceeding is assigned is (571) 273-4058.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

17 January 2005

JOHN CABECA
SUPERVISORY PATENT EXAMINE'
TECHNOLOGY CENTER 21''